

**Filed 6/7/07 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2007 ND 76

State of North Dakota,

Plaintiff and Appellee

v.

Justin Anthony Paul,

Defendant and Appellant

No. 20070025

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Thomas J. Schneider, Judge.

AFFIRMED.

Per Curiam.

Lloyd C. Suhr (argued), Assistant State's Attorney and Tyrone J. Turner (on brief), Assistant State's Attorney, Courthouse, 514 E. Thayer Ave., Bismarck, ND 58501, for plaintiff and appellee.

Justin J. Vinje (argued) and Ralph A. Vinje (on brief), Vinje Law Firm, 523 N. 4th St., Ste. 3, Bismarck, ND 58501-4055, for defendant and appellant.

State v. Paul
No. 20070025

Per Curiam.

[¶1] Justin Paul appeals from the district court's judgment for driving while under suspension (DUS) and an order granting the State's motion in limine, which prevented Paul from presenting an excuse or mistake of law defense. We summarily affirm under N.D.R.App.P. 35.1(a)(7), concluding those defenses are not applicable to a prosecution for DUS in the absence of extraordinary circumstances. State v. Fridley, 335 N.W.2d 785, 786-87 (N.D. 1983) (precluding affirmative defenses to DUS prosecutions as a matter of law); see also State v. Rasmussen, 524 N.W.2d 843, 845 (N.D. 1994) (carving a narrow exception to Fridley, which is applicable only where life-threatening circumstances are present).

[¶2] Gerald W. VandeWalle, C.J.
Carol Ronning Kapsner
Mary Muehlen Maring
Daniel J. Crothers
Dale V. Sandstrom